

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Telecommunications Division
Carrier Branch**

**RESOLUTION T-16786
October 23, 2003**

R E S O L U T I O N

**Resolution T-16786. Miracle Communications, Inc. (U-6243-C)
Retroactive Reinstatement of Certificate of Public Convenience and
Necessity.**

**Resolution T-16713, Signed April 3, 2003, Revoked 78 Carriers for
Failure to Comply with Commission Orders.**

Summary

This resolution reverses retroactively the revocation of Miracle Communications, Inc.'s Certificate of Public Convenience and Necessity (CPCN) because that CPCN was revoked in administrative error.

Background

Resolution T-16713, signed April 3, 2003, revoked 78 carriers for failure to comply with Decision 93-05-010, Ordering Paragraph 4. This paragraph states that the Commission will consider the revocation of competitive carriers that are more than 90 days late in filing annual reports and remitting surcharges.

Miracle Communications, Inc. (Miracle) was one such carrier; however, there were mitigating circumstances. Telecommunications Division (TD) sent all carriers it planned to revoke a letter informing them of TD's pending action and giving them an opportunity to remedy their delinquency. Public Programs Branch in TD had Miracle's correct address, but the Carrier Branch did not. It was the Carrier Branch whose database was used to address the warning letter. Since the company received mail from TD on other occasions at the correct address, it reasonably inferred that TD had its correct address in all of TD's files. If Miracle had received TD's notice of the reporting delinquency prompting the revocation, it would have corrected the delinquency and not been revoked.

Discussion

Given the circumstances described in the Background, TD recommends that Miracle Communications, Inc.'s Certificate of Public Convenience and Necessity be reinstated.

Findings

1. Miracle Communications, Inc.'s Certificate of Public Convenience and Necessity (CPCN) was revoked in Resolution T-16713 on April 3, 2003.
2. This revocation was an administrative error. The CPCN should not have been revoked.
3. The company's CPCN should be reinstated retroactive to the date of the revocation, April 3, 2003.

THEREFORE, IT IS ORDERED that:

1. The Certificate of Public Convenience and Necessity of Miracle Communications, Inc. is reinstated retroactively to April 3, 2003.
2. This Resolution is effective today.

I hereby certify that this Resolution was adopted by Executive Action Resolution on October 23, 2003.

/s/ WILLIAM AHERN

WILLIAM AHERN
Executive Director